

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**PATRICIA J. GIBSON,**

**Plaintiff,**

**vs.**

**WESTPOINT STEVENS, INC.,  
and WESTPOINT HOME, INC.,**

**Defendants**

**Civil Action No.  
3:06-CV-974-MEF**

**MOTION FOR EXTENSION OF TIME  
TO RESPOND TO COMPLAINT**

COMES NOW defendant WestPoint Home, Inc. (“WPH”), and moves this Honorable Court to enter an order extending the time for BOTH defendants WPH and defendant WestPoint Stevens, Inc. (“WPS”) to respond to the plaintiff’s complaint until December 8, 2006. In support of this motion, the defendants would show the court as follows:

1. Defendant WPS filed a petition for Chapter 11 Bankruptcy in the United States Bankruptcy Court for the Southern District of New York in June 2003.

2. With approval of the Bankruptcy Court, certain assets of WPS were sold to WPH in August 2005. Under the terms of that sale, potential employment liabilities of WPS were not assumed by WPH.

3. WPS's "service" copy of the complaint was mailed by "the Corporation Company" to WPH's address in West Point, Georgia, rather than to WPS itself.

4. The undersigned counsel have been retained to represent defendant WPH, and are in the process of contacting the appropriate representatives of the bankruptcy estate of WPS to determine the status of WPS, whether the bankruptcy matter remains pending, whether WPS remains a viable entity subject to suit, and whether the automatic stay bars the plaintiff's claims from being asserted in this court. Due to number of lawyers and administrators involved in the bankruptcy matter, the undersigned counsel do not believe they will have obtained sufficient information to file appropriate responsive pleadings by the purported due date, November 24, 2006. Moreover, it is unclear at the moment who, if anyone, will represent WPS in this action.

5. The undersigned counsel believe that they will have sufficient information to make a clear representation to the Court concerning the identity and status of all parties by December 8, 2006.

6. WPH's counsel have attempted to contact plaintiff's counsel to ascertain whether she objects to this motion, but counsel have not been able to reach her.

7. The requested extension will not result in any prejudice to plaintiff and will not unnecessarily delay these proceedings.

WHEREFORE, premises considered, WPH respectfully moves this Honorable Court to enter an order extending the deadline for responding to the plaintiff's complaint until December 8, 2006.

Respectfully submitted,

Fred W. Suggs, Jr. (#SUG-001)

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**/s/James C. Pennington**

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 21, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Lateefah Muhammad

**/s/James C. Pennington**  
James C. Pennington